

SECOND COMMITTEE

Formulation of main trends

INTRODUCTION

The sole purpose of this informal working paper is to reflect in generally acceptable formulations the main trends which have emerged from the proposals submitted either to the United Nations Sea-Bed Committee or to the Conference itself.

The fact of including these formulations does not imply any opinion on the degree of support they have commanded either in the preparatory stage or in the proceedings of the current session of the Conference. It does not imply either that all the proposals from which these formulations have been taken have been the subject of discussion. The inclusion of a provision in this paper, whether or not only one formula appears, does not necessarily imply that there are no other opinions concerning these questions or that all or most delegations agree on the necessity for such a provision.

All the proposals submitted to the United Nations Sea-Bed Committee and to the Conference are maintained and may be considered by this Committee at any time. Thus, the preparation of this document and its acceptance by the Committee as a working paper in no way signifies that these proposals have been withdrawn. There is no question of taking any decisions at the present stage, in accordance with the method of work adopted by the Committee at its meeting on 3 July, once this task has been carried out, the item will be "frozen" and the Committee will pass on to the next item. No decision has to be taken until all the closely interrelated items have been thoroughly discussed.

Since the purpose of this paper is to focus the discussion of each of the items on the fundamental issues, leaving until later the consideration of supplementary rules and drafting points, the paper does not include all the proposals appearing in volume III of the report of the Sea-Bed Committee or all the variants, many of which reflect only drafting changes, appearing in volume IV of the same report.

In submitting this informal working paper, the Bureau considers it necessary to stipulate that for some delegations the establishment of an exclusive economic zone, and for others the establishment of a 12-mile territorial sea would render the notion of contiguous zone unnecessary. It should be noted that for some delegations the area contiguous to the territorial sea up to 200 miles is not a zone of the high seas. For purely methodological reasons these trends are not reflected in this paper.

Item 3 Contiguous Zone

3.1 Nature and characteristics

3.2 Limits

PROVISIONS I-II

- 3.3 Rights of coastal States with regard to national security, customs and fiscal control, sanitation and immigration regulations.

PROVISION III

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3 Contiguous Zone

3.1 Nature and characteristics

3.2 Limits

PROVISION I

Formula A

The contiguous zone may not extend beyond 12 miles from the baseline from which the breadth of the territorial sea is measured.

Formula B

The coastal State may establish a contiguous zone extending beyond its territorial sea of 12 miles to a distance of ... nautical miles measured from the applicable baseline.

PROVISION II

Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its contiguous zone beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of the two States is measured.

3.3 Rights of coastal States with regard to national security, customs and fiscal control, sanitation and immigration regulations

PROVISION III

Formula A

In a zone of the high seas contiguous to its territorial sea, the coastal State may exercise the control necessary to:

(a) prevent infringement of its customs, fiscal, immigration or sanitary regulations within its territory or territorial sea;

(b) punish infringement of the above regulations committed within its territory or territorial sea.

Formula B

In an area within the economic zone, the outer limits of which do not exceed ... nautical miles beyond the territorial sea, the coastal State may exercise the control necessary to:

(a) ... (same as Formula A).

(b) ... (same as Formula A).